

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00330-MR**

COBY BRYANT, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
FNU SOUTH, et al.,)	<u>ORDER</u>
)	
Defendants.)	
<hr/>)	

THIS MATTER is before the Court *sua sponte*.

The pro se incarcerated Plaintiffs Coby Bryant, Peter Johnson, David Anderson, Gordon Stokes, Jamari Morris, and Alexander White filed this action pursuant to 42 U.S.C. § 1983. [Doc. 1]. The Plaintiffs did not pay the filing fee or file an application to proceed in forma pauperis. On November 14, 2023, the Clerk entered a Notice of Deficiency granting the Plaintiffs 21 days within which to pay the filing fee or to file an application to proceed in forma pauperis. [Doc. 2]. Each Plaintiff was cautioned that, “[f]ailure to do so may result in the dismissal of this action without prejudice for failure to prosecute.” [*Id.* at 1]. The Plaintiffs have failed to pay the filing fee or to file an application to proceed in forma pauperis, and the time to do so has expired.

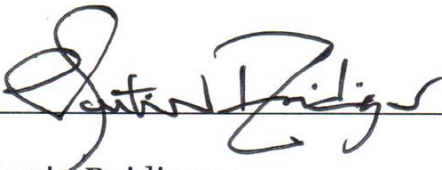
The Plaintiffs appear to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action and to mail a copy of this Order to each Plaintiff.

IT IS SO ORDERED.

Signed: February 14, 2024



Martin Reidinger
Chief United States District Judge

